

-clerk-
original

No. _____

PROVIDED TO
SOUTH BAY CORRECTIONAL FACILITY

ON Feb. 6, 2018 FOR MAILING

(Inmate) INZEL GAITOR

IN THE

SUPREME COURT OF THE UNITED STATES

"IN re INZEL GAITOR" — PETITIONER
(Your Name)

VS.

FLORIDA COMMISSION ON
OFFENDER REVIEW, ET AL. — RESPONDENT(S)

PROOF OF SERVICE

I, INZEL GAITOR, DC#036503, pro se, do swear or declare that on this date, February 6,, 2018, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF **PROHIBITION** on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to [c]lerk of the supreme court of the united states for delivery to addressees of those served. The petitioner PROOF OF SERVICE by a Marshal (or court's specially appointed server) ... is here with requested. Id.,

Rule 4. Summons [Caution: For amendments effective December 1, 2017, see prospective amendment note below.]

(c) Service.

(1) *In General.* A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.

(2) *By Whom.* Any person who is at least 18 years old and not a party may serve a summons and complaint.

(3) By a Marshal or Someone Specially Appointed. At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. 1915 or as a seaman under 28 U.S.C. 1916.

The Names and Addresses of those served are as follows:

- Honorable, PAM BONDI; STATE OF FLORIDA, ATTORNEY GENERAL; OFFICE OF THE ATTORNEY GENERAL; PL-01, The Capitol; Tallahassee, Florida 32399-1050. 28 U.S.C. § 2403(b). (SPECIAL NOTIFICATION)
- Honorable, MELINDA N. KOONROD; COMMISSIONER/CHAIR, FLORIDA COMMISSION ON OFFENDER REVIEW; 4070 ESPLANADE WAY; Tallahassee, Florida 32399-2450. Fed. R. Civ. P. - 4. (e)(1) - and, 4. (h).
- SUPREME COURT OF THE UNITED STATES; OFFICE OF THE CLERK; 1 First Street, N. E.; Washington, DC 20543

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. § 1746

Executed on February 6, 2018.

S/ Inzel GAITOR

pro se.
(inmate)

CERTIFICATE OF SERVICE

By pro se Inmate:

I, INZEL GAITOR, DC #036503, do swear or declare on this date, February 6, 2018, as required by Supreme court rule-29.5. (c); I have placed in the hands of (GEO) South Bay Correctional official (Mr. Gabriel A. Hegyes, Library supervisor) the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION(S) FOR WRIT OF PROHIBITION on each foregoing party with proceeding PROOF OF SERVICE(S) ... for mailing to: SUPREME COURT OF THE UNITED STATES (Office of clerk).

I, declare under penalty of perjury that the foregoing is true and correct.
Executed on February 6, 2018.

PROVIDED TO
SOUTH BAY CORRECTIONAL FACILITY
ON Feb. 6, 2018 FOR MAILING
(inmate) Q G.

S/ Inzel GAITOR
pro se.
(inmate)

Rule 4. Summons [Caution: For amendments effective December 1, 2017, see prospective amendment note below.]

(a) Contents; Amendments.

(1) *Contents.* A summons must:

- (A) name the court and the parties;
- (B) be directed to the defendant;
- (C) state the name and address of the plaintiff's attorney or if unrepresented of the plaintiff;
- (D) state the time within which the defendant must appear and defend;
- (E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;
- (F) be signed by the clerk; and
- (G) bear the court's seal.

(2) *Amendments.* The court may permit a summons to be amended.

(b) Issuance. On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant. A summons or a copy of a summons that is addressed to multiple defendants must be issued for each defendant to be served.

(c) Service.

(1) *In General.* A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service.

(2) *By Whom.* Any person who is at least 18 years old and not a party may serve a summons and complaint.

(3) By a Marshal or Someone Specially Appointed. At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. 1915 or as a seaman under 28 U.S.C. 1916.

(d) Waiving Service.

(1) *Requesting a Waiver.* An individual, corporation, or association that is subject to service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must:

- (A) be in writing and be addressed:
 - (i) to the individual defendant; or

(ii) for a defendant subject to service under Rule 4(h), to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process;

(B) name the court where the complaint was filed;

(C) be accompanied by a copy of the complaint, two copies of the waiver form appended to this Rule 4, and a prepaid means for returning the form;

(D) inform the defendant, using the form appended to the Rule 4, of the consequences of waiving and not waiving service;

(E) state the date when the request is sent;

(F) give the defendant a reasonable time of at least 30 days after the request was sent or at least 60 days if sent to the defendant outside any judicial district of the United States to return the waiver; and

(G) be sent by first-class mail or other reliable means.

(2) *Failure to Waive.* If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:

(A) the expenses later incurred in making service; and

(B) the reasonable expenses, including attorneys fees, of any motion required to collect those service expenses.

(3) *Time to Answer After a Waiver.* A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent or until 90 days after it was sent to the defendant outside any judicial district of the United States.

(4) *Results of Filing a Waiver.* When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.

(5) *Jurisdiction and Venue Not Waived.* Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.

(e) Serving an Individual Within a Judicial District of the United States. Unless federal law provides otherwise, an individual other than a minor, an incompetent person, or a person whose waiver has been filed may be served in a judicial district of the United States by:

(1) following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or

(2) doing any of the following:

(A) delivering a copy of the summons and of the complaint to the individual personally;

(B) leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or

(C) delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

(h) Serving a Corporation, Partnership, or Association. Unless federal law provides otherwise or the defendant's waiver has been filed, a domestic or foreign corporation, or a partnership or other unincorporated association that is subject to suit under a common name, must be served:

(1) in a judicial district of the United States:

(A) in the manner prescribed by Rule 4(e)(1) for serving an individual; or

(B) by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and if the agent is one authorized by statute and the statute so requires by also mailing a copy of each to the defendant; or

(2) at a place not within any judicial district of the United States, in any manner prescribed by Rule 4(f) for serving an individual, except personal delivery under (f)(2)(C)(i).

(k) Territorial Limits of Effective Service.

✓✓ (2) *Federal Claim Outside State-Court Jurisdiction.* For a claim that arises under federal law, serving a summons or filing a waiver of service establishes personal jurisdiction over a defendant if:

✓✓ (A) the defendant is not subject to jurisdiction in any state's courts of general jurisdiction; and

✓✓ (B) exercising jurisdiction is consistent with the United States Constitution and laws.

✓✓ *see Appendix-A (pg. 4) (Removal of Civil Action)...*

(l) Proving Service.

(1) *Affidavit Required.* Unless service is waived, proof of service must be made to the court. Except for service by a United States marshal or deputy marshal, proof must be by the server's affidavit.

(2) *Service Outside the United States.* Service not within any judicial district of the United States must be proved as follows:

(A) if made under Rule 4(f)(1), as provided in the applicable treaty or convention; or

(B) if made under Rule 4(f)(2) or (f)(3), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(3) *Validity of Service; Amending Proof.* Failure to prove service does not affect the validity of service. The court may permit proof of service to be amended.

(m) Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the court on motion or on its own after notice to the plaintiff must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1).